



CITY PLAN COMMISSION

15th Floor, City Hall
414 East 12th Street
Kansas City, Missouri 64106

kcmo.gov/planning

October 20, 2022

John Handley
Diode Ventures
11401 Lamar Ave, P2E
Overland Park, KS 66211

Re: **CD-CPC-2022-00058** - A request to approve a Rezoning to UR/MPD and development plan that also serves as a preliminary plat to allow for the construction of a data center campus. on about 360 acres generally located at the northeast corner of HWY 169 and I-435

Dear John Handley:

At its meeting on October 18, 2022, the City Plan Commission acted as follows on the above-referenced case.

Approved with Conditions

The Commission's action is only a recommendation. Your request must receive final action from the Council. All conditions imposed by the Commission, if any, are available on the following page(s).

PLEASE READ CONDITIONS CAREFULLY as some or all of the conditions imposed may require action on your part to proceed to the next step.

- If revised plans are required, you must make such revisions and upload the revised plans prior to proceeding to final action.
- If revised plans are not required, your request will automatically be submitted for Council consideration.

If you have any questions, please contact me at Genevieve.Kohn@kcmo.org or (816) 513-8808.

Sincerely,

Genevieve Kohn
Planner



Plan Conditions

Report Date: October 20, 2022

Case Number: CD-CPC-2022-00058

Project: Rocky Branch Creek Technology Park

Condition(s) by City Planning and Development Department. Contact Genevieve Kohn at (816) 513-8808 / Genevieve.Kohn@kcmo.org with questions.

1. The developer shall secure approval of an MPD Final Plan for each building pair, or a maximum of three building pairs, from the City Plan Commission prior to building permit.
2. Detailed landscaping plans shall be reviewed at the time of MPD Final Plan submittal.
3. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that all landscaping required of the approved plan has been installed in accordance with the plan and is healthy prior to Certificate of Occupancy.
4. That the developer shall submit an affidavit, prepared by an engineer licensed in the State of Missouri, verifying that all outdoor lighting has been installed in accordance with approved plans and that lighting levels do not exceed that shown on the approved lighting plan at the property lines prior to Certificate of Occupancy.
5. Spillover light onto adjacent residential properties shall not exceed 0.186 foot-candle.
6. The developer shall submit an affidavit, completed by a landscape architect licensed in the State of Missouri, verifying that street trees have been installed in accordance with the approved street tree planting plan and are healthy prior to Certificate of Occupancy.
7. The developer shall include in the preliminary stream buffer plan, in accordance with 88-415-07-D-2k of the stream buffer ordinance, the location of proposed clearing and grading in the outer zone to be reviewed for approval prior to issuance of any building permits and prior to removal of any mature riparian species within the stream buffer zones.
8. The developer shall show in the preliminary stream buffer plan that no unapproved activities, in accordance with 88-415-05-A, are planned in the streamside zone. Submit the proposed updated stream locations based on approved city geographic information system mapping, city-approved mapping from state and federal agencies, or field delineated, marked, and surveyed stream locations.

Condition(s) by City Planning and Development Department. Contact Terry Thomas at / Terry.A.Thomas@kcmo.org with questions.

9. The developer must submit a Macro storm drainage study with the first Plat or Phase, from a Missouri-licensed civil engineer to the Land Development Division showing compliance with current adopted standards in effect at the time of submission, including Water Quality BMP's, to the Land Development Division for review and acceptance for the entire development area, and submit Micro storm drainage study with each subsequent Plat or Phase showing compliance with the approved Macro and adopted standards. The developer shall secure permits to construct any improvements as necessary to mitigate impacts from rate, volume, and quality of runoff from each proposed phase, prior to recording the plat or prior to issuance of a Building Permit, whichever occurs first as required by the Land Development Division.
10. The developer shall cause the area to be platted and processed in accordance with Chapter 88, Code of Ordinances of the City of Kansas City, Missouri, as amended, commonly known as the Development Regulations.
11. The developer must pay impact fees as required by Chapter 39 of the City's Code of ordinances as required by the Land Development Division.
12. The developer must design and construct all interior public streets to City Standards, as required by Chapter 88 and the Land Development Division, including curb and gutter, storm sewers, street lights, and sidewalks. Any deviations from the City standards must be approved by the Transportation and Development Committee and Public Works Department.
13. The developer must submit covenants, conditions and restrictions to the Land Development Division for review by the Law Department for approval and enter into covenant agreements for the maintenance of any private open space tracts with stream buffer zones or stormwater detention area tracts, prior to recording the plat.

Condition(s) by City Planning and Development Department. Contact Terry Thomas at / Terry.A.Thomas@kcmo.org with questions.

14. The developer shall submit a final stream buffer plan to the Land Development Division for approval prior to issuance of any building permits and obtain permits for the Stream Buffer prior to removal of any mature riparian species within the buffer zones due to construction activities on the site, in accordance with the Section 88-415 requirements.
15. The developer must grant on City approved forms, a STREAM BUFFER Easement to the City or as required by Chapter 88 and Land Development Division, prior to issuance of any stream buffer permits.
16. The developer must secure permits to extend public sanitary and storm water conveyance systems to serve all proposed lots within the development and determine adequacy of receiving systems as required by the Land Development Division, prior to recording the plat or issuance of a building permit whichever occurs first.
17. The developer must grant a BMP Easement] to the City as required by the Land Development Division, prior to recording the plat or issuance of any building permits.
18. The developer shall submit an analysis to verify adequate capacity of the existing sewer system as required by the Land Development Division prior to issuance of a building permit to connect private system to the public sewer main and depending on adequacy of the receiving system, make other improvements may be required.
19. The owner/developer must submit plans for grading, siltation, and erosion control to Land Development Division for review and acceptance, and secure a Site Disturbance permit for any proposed disturbance area equal to one acre or more prior to beginning any construction activities.
20. The developer must obtain the executed and recorded city approved grading, temporary construction, drainage/sewer, or any other necessary easements from the abutting property owner(s) that may be required prior to submitting any public improvements crossing properties not controlled by the developer and include said document(s) within the public improvement applications submitted for permitting
21. The developer shall submit verification of vertical and horizontal sight distance for the drive connection to public right-of-way to the Land Development Division and make improvements to ensure local jurisdiction and/or minimum AASHTO adequate sight distance standards are met, prior to issuance of any certificate of occupancy.
22. The developer shall submit construction plans in compliance with adopted standards for all improvements required by the traffic study approved by the Public Works Department, and shall secure permits for those improvements as required by the Land Development Division, prior to recording the plat.

Condition(s) by Fire Department. Contact Michael Schroeder at (816) 513-4604 / michael.schroeder@kcmo.org with questions.

23. The project shall meet the fire flow requirements as set forth in Appendix B of the International Fire Code 2018. (IFC-2018 § 507.1)
24. Buildings equipped with a fire standpipe system shall have an operable fire hydrant within 100 feet of the Fire Department Connection (FDC). (IFC2018 § 507.5.1.1)
25. Fire hydrant distribution shall follow IFC-2018 Table C102.1

Fire hydrants shall be installed and operable prior to the arrival of any combustible building materials onto the site. (IFC-2018 § 501.4 and 3312.1; NFPA -2013 § 8.7.2)
26. • Required fire department access roads shall be an all weather surface. (IFC-2012: § 503.2.3)
 - Fire Department access roads shall be provided prior to construction/demolition projects begin. (IFC-2018 § 501.4 and 3310.1; NFPA 241-2013 § 7.5.5)
 - Required fire department access roads shall be designed to support a fire apparatus with a gross axle weight of 85,000 pounds. (IFC-2018: § 503.2.3)
27. The turning radius for fire department access roads shall be 30 feet inside and 50 feet outside radius. (IFC-2018: § 503.2.4)
28. New buildings shall have approved radio coverage for emergency responders within the building based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. (IFC 2018 510.1) and (NFPA1221)

Condition(s) by Fire Department. Contact Michael Schroeder at (816) 513-4604 / michael.schroeder@kcmo.org with questions.

29. If an approved security gate spans across a fire access road, an approved means for emergency operation shall be provided (IFC-2018 § 503.6) or there shall 24/7 through a guard shack that is manned.
30. Aerial Fire Apparatus access roads shall be provided for any building that is 30 feet in height or greater. Aerial Fire Apparatus Roads shall be a minimum 26 feet wide, at least 15 feet away from the building but not more than 30 feet from the structure. (IFC-2018 § D105).

Condition(s) by Parks & Recreation. Contact Justin Peterson at (816) 513-7599 / Justin.Peterson@kcmo.org with questions.

31. The developer shall install street trees along all abutting public rights of way in accordance with 88-425.
32. The developer shall submit a streetscape plan with street tree planting plan per 88-425-03 for approval by the Parks & Recreation Department's Forestry Division prior to beginning work in the public right-of-way.

Condition(s) by Public Works Department. Contact Jeffrey Bryan at (816) 513-9865 / Jeffrey.Bryan@kcmo.org with questions.

33. The developer shall work with MoDOT to receive acceptance of the project traffic impact study. The developer shall also construct all improvements required by the traffic study that have been approved by MoDOT. The developer shall work with MoDOT to receive all necessary permits for this work. Any construction shall be completed prior to any certificate of occupancy.

Condition(s) by Water Services Department. Contact Courtney Hawkins at / courtney.hawkins@kcmo.org with questions.

34. In regard to the proposed bridge/culvert over the FEMA floodplain, no change in grade within the floodway is allowed without providing hydraulic modeling and either: (a) demonstrating and certifying no rise in base flood elevations occurs or (b) obtaining CLOMR determination from FEMA prior to construction. If no work is proposed within the floodway, add a note to the plans to indicate no change in grade (especially no fill placement) shall occur within the floodway; otherwise, provide additional documentation in support of no rise certification or CLOMR.
35. Floodplain certificate required if building in the floodplain
36. Include the dimension of the streamside zone when the Final Stream Buffer plan is submitted

Condition(s) by Water Services Department. Contact Heather Massey at (816) 513-2111 / heather.massey@kcmo.org with questions.

37. The developer shall have a water flow test done to ensure there is adequate water pressure to serve the development.
South of River contact – Sean Allen - 816-513-0318
North of River contact - Todd Hawes – 816-513-0296
38. The developer shall ensure that water and fire service lines should meet current Water Services Department Rules and Regulations. Prior to C of O.
<https://www.kcwater.us/wp-content/uploads/2022/05/2022-Rules-and-Regulations-for-Water-Service-Lines-Final.pdf>
39. Branch service lines one-and-one-half inches and larger in diameter for domestic water services or fire protection lines shall be connected to the main by cutting in a minimum 6" branch service tee, installing three gate valves, and two solid sleeves on the main. Line valves on the main shall be the same nominal size as the main.
40. A full flow fire meter will be required when the fire protection service line serves more than one building, or combination service lines 6 inches and larger, or that have private fire hydrants connected to them.
41. Water/Sewer Service lines shall serve only one lot or tract and shall not cross a separate lot or tract.

Condition(s) by Water Services Department. Contact Jerald Windsor at (816) 513-0413 / Jerald.Windsor@kcmo.org with questions.

42. The developer must submit water main extension drawings prepared by a registered professional Engineer in Missouri to the main extension desk for review, acceptance and contracts per the KC Water Rules and Regulations for Water main extensions and Relocations.
(<https://www.kcwater.us/wp-content/uploads/2019/04/2018-Rules-and-Regulations-for-Water-Main-Extensions.pdf>)